

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**SHANNON POWERS, individually and on
behalf of all others similarly situated,**

Plaintiffs,

v.

ONE TECHNOLOGIES, LLC,

Defendants.

No. 3:21-cv-00089-FDW-DCK

**CONSENT MOTION TO ISSUE PRE-
DISCOVERY SUBPOENAS**

COME NOW, Plaintiff, by and through counsel, and pursuant to Local Civil Rule 16.1(f), respectfully requesting permission to conduct early Court-enforceable discovery before a Scheduling Order has been put in place. In support of this request, Plaintiff states that good cause exists to grant the requested relief:

1. On March 01, 2021, Plaintiff filed the above action alleging violations of the Telephone Consumer Protection Act and related state law claims in connection with unsolicited text messages he received.
2. Plaintiff received text messages that contained a link that, when clicked, ultimately led to Defendant's website advertising Defendant's products and services. Plaintiff alleges that Defendant, or someone acting on Defendant's behalf, sent these text messages.
3. Defendant denies these allegations and has represented that it did not send the text messages and does not know who sent the messages, among other reasons, because Defendant does not send or allow to be sent any text messages like the ones Plaintiff claims he received.

4. As such, Plaintiff seeks consent to serve subpoenas on third-party domain registrars and privacy guard services to identify the company or companies involved in sending the text messages at issue in this matter.
5. Plaintiff met and conferred with Defendant who consents to this request while reserving all rights and defenses, and without submitting to the personal jurisdiction of this Court as it currently contests personal jurisdiction.
6. The Parties agreed that, if this request is granted, any subpoena sent will be provided to the other party at least 24 hours prior to the service of the subpoena, and that the Parties will disclose to the other party any documents provided in response to the subpoenas, and any communications with the third parties related to the subpoenas; and
7. The Parties further agreed that after compliance with the subpoenas contemplated herein, the Parties will meet and confer on whether additional early non-party discovery is necessary and how to handle such discovery.

WHEREFORE, Plaintiff respectfully request this Court enter an Order granting Plaintiff permission to conduct early Court enforceable discovery consistent with the aforementioned.

Respectfully submitted, this 25th Day of March 2021.

MARCUS & ZELMAN

/s/ Ari Marcus (with consent)
Ari H. Marcus ari@marcuszelman.com
701 Cookman Avenue, suite 300
Asbury Park, NJ 07712
732-695-3282
Admitted Pro Hac Vice
Attorneys for Plaintiff

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

Dated: _____

The Honorable David C. Keesler,
United States District Court